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JUN 18 2003

OFFICE OF PETITIONS

In re Application of
FERGUS M. WILLS
Application No. 09/866,037
Filed: May 24, 2001
Attorney Docket No. 3399P044

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 14, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on May 24, 2001, with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(i). On April 24, 2002 (certificate of mailing April 12, 2002), applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on May 17, 2002.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.¹

The petition fee of \$1,300 has been refunded to Deposit Account No. 02-2666.

As requested, the Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded.

The application file is being forwarded to Technology Center 2100 for examination in due course.

¹ See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35usc122b2binterpret.htm>.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

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